

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI**FILED**

MAR 06 2008

DAVID CREWS, CLERK
By *Jeanne Patterson* DeputyA.D. Mills

Plaintiff

v.

M.D.O.C.
The State Commissioner
Defendant

CASE NO.

4:08CV27-A-B

PRISONER'S COMPLAINT CHALLENGING CONDITIONS OF CONFINEMENT

1. The Plaintiff's full legal name, the name under which the Plaintiff was sentenced, the Plaintiff's inmate identification number, the Plaintiff's mailing address, and the Plaintiff's place of confinement are as follows:

A. Legal name:

A.D. Mills Jr.

B. Name under which sentenced:

A.D. Mills Jr.

C. Inmate identification number:

K4561

D. Plaintiff's mailing address (street or post office box number, city, state, ZIP):

Unit-32-A-31dg

E. Place of confinement:

Parchman, Ms. 38738M.D.O.C. at Parchman

2. Plaintiff names the following person(s) as the Defendant(s) in this civil action:

Name:

Christopher Epps

Title (Superintendent, Sheriff, etc.):

Commissioner

Defendant's mailing address (street or post office box number, city, state, ZIP)

723 N. President St.Jackson, Ms. 39202

Name:

LOLA Nelson

Title (Superintendent, Sheriff, etc.):

Lt. & Disciplinary Chair-person

Defendant's mailing address (street or post office box number, city, state, ZIP)

M.D.O.C.Parchman, Ms. 38738

Name:

Florida Ivy

Title (Superintendent, Sheriff, etc.):

Case Manager

Defendant's mailing address (street or post office box number, city, state, ZIP)

M.D.O.C.Parchman, Ms. 38738

Name:

Timothy Morris

Title (Superintendent, Sheriff, etc.):

Warden

Defendant's mailing address (street or post office box number, city, state, ZIP)

M.D.O.C.

(If additional Defendants are named, provide on separate sheets of paper the complete name, title, and address information for each. Clearly label each additional sheet as being a continuation of Question 2).

3. Have you commenced other lawsuits in any other court, state or federal, dealing with or pertaining to the same facts that you allege in this lawsuit or otherwise relating to your imprisonment? Yes No

4. If you checked "Yes" in Question 3, describe each lawsuit in the space below. If there is more than one lawsuit, describe the additional lawsuit(s) on separate sheets of paper; clearly label each additional sheet as being a continuation of Question 4.

A. Parties to the lawsuit:

Plaintiff(s):

Defendant(s):

B. Court:

C. Docket No.:

D. Judge's Name:

E. Date suit filed:

F. Date decided:

G. Result (affirmed, reversed, etc.):

5. Is there a prisoner grievance procedure or system in the place of your confinement? Yes No

6. If "Yes," did you present to the grievance system the **same facts and issues** you allege in this complaint? (See question 9, below). Yes No

7. If you checked "Yes" in Question 6, answer the following questions:

ND MISS. FORM P3, COMPLAINT CHALLENGING CONDITIONS OF CONFINEMENT (4/00)

A. Does the grievance system place a limit on the time within which a grievance must be presented?

Yes

No

B. If you answered "Yes," did you file or present your grievance within the time limit allowed?

Yes

No

C. The court must find that you exhausted the prison's grievance system and administrative remedies before it can consider this Complaint. State everything you did to present your grievance(s). Be specific. Include the date(s) on which you filed or presented your grievances to prison officers; identify the officer(s). State your claim(s) exactly.

ON 9-24-07 I TALKED TO WARDEN MORRIS IN UNIT 32 HOLDING TANK, AND TOLD HIM ABOUT THE SITUATION IN WHICH I WAS ACCUSED OF TAKING A PACK OF CIGARETTES, AND \$10 FROM AN OFFICER PLACED IN ADM SEG, STRIPPED (PROPERTY RESTRICTION) DID NOT SEE NOR RECEIVE AN R.V.R. WARDEN MORRIS SAID HE SAW ONE SO I STARTED TALKING TO HIM ABOUT POLICY, AND HE ACKNOWLEDGED, AND I STARTED THE GRIEVANCES THEM ABOUT ME BEING DENIED DUE PROCESS ALSO

D. State specifically what official response your grievance received. If the prison provides an administrative review of the decision on your grievance, state whether you applied for that review and what the result was.

IN THE INSTANCE I SPOKE OF IN C ABOVE WARDEN MORRIS TOLD ME TO WRITE THE DISCIPLINARY CHAIRPERSON, AND EXPLAIN TO HER WHAT I TOLD HIM HE SAID SOMETHING WASN'T RIGHT ABOUT IT (THE R.V.R.) I DO THAT GO TO DISCIPLINARY ON 10-14-07 OVER THE 20 DAY LIMIT IN POLICY FOUND GUILTY APPEALED MY 1ST STEP, 2ND STEP, 3RD STEP ALSO "SEE" D-CONTINUED WHICH SHALL SERVE AS AN EXHIBIT - KEY FOR PROOF OF RESPONSES AND FILINGS AS ALSO DATES TO SUCH FILINGS:

D-Continued
Exhibit - Key

- 1) Exhibits - A-B-C are dates the ABP Lady Brought me all responses to my Appeal filings
- 2) Exhibit - D is my response to all the denials I was handed down
- 3) Exhibits E, F, & G are the dates, and persons that denied me responses, and denials
- 4) Exhibit H is certificate
- 5.) Exhibit - I Property restriction receipt
- 6.) Exhibit - J my copy of detention notice
- 7.) Exhibit - K Motion To Show Cause filing:
- 8.) Exhibit - L Answer by Judge of show cause motion

40-A

(EXHIBIT - A)

MISSISSIPPI DEPARTMENT OF CORRECTIONS
Administrative Remedy Program

ARP Number MSP 07 3185

Date: 11/14/07

Received By: D. Wilk 84561
Inmate Number

Witness: D. Wilk T. D. J.
Name Title

Form ARP-1 - Offender's relief request form

Form ARP-2 - First step response

Form ARP-3 - 2nd step response

Form ARP-4 - 3rd step response

5-Day Extension

Step Two Denial / Step Three Denial

Certificate

Other

2nd page of this receipt is to be returned to the Legal Claims Adjudicator to become part of Inmate ARP# file.

OFFENDER'S ORIGINAL

Exhibit B

MISSISSIPPI DEPARTMENT OF CORRECTIONS
Administrative Remedy Program

ARP Number MSD-07-3185

Date: 12/11/07

Received By: D. J. H. Inmate K4561 Number

Witness: D. D. H. T. H. P. Name Title

Form ARP-1 - Offender's relief request form

Form ARP-2 - First step response

Form ARP-3 - 2nd step response

Form ARP-4 - 3rd step response

5-Day Extension

Step Two Denial / Step Three Denial

Certificate

Other

2nd page of this receipt is to be returned to the Legal Claims Adjudicator to become part of Inmate ARP# file.

OFFENDER'S ORIGINAL

534

EXHIBIT C

MISSISSIPPI DEPARTMENT OF CORRECTIONS
Administrative Remedy Program

ARP Number MSP 07 3185

Date: 2/12/08

Received By: D. J. B K4561
Inmate Number

Witness: D. M. H J. H. P
Name Title

Form ARP-1 - Offender's relief request form

Form ARP-2 - First step response

Form ARP-3 - 2nd step response

Form ARP-4 - 3rd step response

5-Day Extension

Step Two Denial / Step Three Denial

Certificate

Other

2nd page of this receipt is to be returned to the Legal Claims Adjudicator to become part of Inmate ARP# file.

OFFENDER'S ORIGINAL

Special Note: Attach to this Complaint as exhibits complete copies of all requests you made for administrative relief through the grievance system, all responses to your requests or grievances, all administrative appeals you made, all responses to your appeals, and all receipts for documents that you have.

8. If you checked "No" in Question 6, explain why you did not use the grievance procedures or system:

A graph of a concave function $f(x)$ on a coordinate plane. The horizontal axis is marked with several horizontal lines. The function starts at a point on the left, dips downwards, and then rises to a peak. After the peak, it continues to rise more slowly. The graph is concave down, meaning it bows downwards relative to a straight line segment connecting any two points on the curve.

9. Write below, as briefly as possible, the **facts** of your case. Describe how **each** Defendant is involved. Write the names of all other persons involved. Include dates and precise places of events. Do not give any legal argument or cite any legal authority. If you have more than one claim to present, number each claim in a separate paragraph. Attach additional pages only if necessary; label attached pages as being continuations of Question 9.

On 9-22-07 I was locked down
as stripped searched in which I was
stripped of the little property I had
(property restriction) placed in Adv seg after
an officer to trustee A.D. Shavers pointed me
out and said That's him he got my cigarettes
and \$10 I don't care about the \$10 I
just want my cigarettes this took place in
Unit 32-4-Bldg B-Zone Tier 1 I was in
Cell 62 and got me a detention notice on
the 23rd of September 2007 watch Commander
Cpt Porter did; sent me to C-Bldg on
the Death row Tier Tier 2 A-Zone on
the 24th day of September which was a
Monday I was transferred back to A-Bldg
after I talked to Warden Morris in the holding tank;

as also placed behind a steel door
cell 15 for 1 A-Zone:

10. State briefly exactly what you want the court to do for you. Do not make legal arguments. Do not cite legal authority.

I would ask this honorable Court to review the Exhibits to show that I exhausted my grievance & Administrative Appeals enabling me to bring forth these claims before this Court I was deprived of a liberty interest being the fact that I'm an innocent man in prison fighting my case through the Court I can't make calls at the proper moment to get support to help expose my illegal conviction or the fact that it hindered me being able to get B-Custody so that I could apply for a Hardship transfer close to home my parents get around, but they are up there in age I want to be close so they won't have to drive far. I would like an evidentiary hearing conducted so I could present, and explain facts, and remedy I seek:

(SEE 10 Cont.)

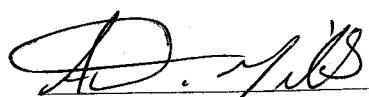
This Complaint was executed at (location):

M.D.O.C. Parchman Unit 32-A

and I declare or certify or verify or state under penalty of perjury that this Complaint is true and correct.

Date:

3-3-08



Plaintiff's Signature

10 Continued

I would like for this Honorable Court to set a date, and time for this matter to be heard so that the proof can be presented for purposes to show this Court this action is not frivolous or malicious in hopes that my relief seeking to have B.V.R. # 786017 dismissed from my file, and all Court Cost, and fees be assessed to defendant in this action

D. J. B.
plaintiff Signature

Certificate of Service

I, A. D. Mills have caused to be mailed a True, and Correct Copy of a 42 USC § 1983 Complaint to the below said this 3rd day of March, 2008

A. D. Mills
Signature

Ms. Margaret Winters
A.C. L. U.
P.O. Box 2242
Jackson, MS. 39225

U.S. District Court
Pro Se Law Clerk
Northern District
P.O. Box 704
Aberdeen, MS. 39730

Jim Norris / Possible
Attorney for Defendant
M. D.O.C. PARCHMAN
PARCHMAN, MS. 38938

Jim Norris
Shall present
Copies to Defendants
in this Action:

MISSISSIPPI DEPARTMENT OF CORRECTIONS

NUMBER MSP_07_3185

EX 6.4 - D

OFFENDER'S RELIEF REQUEST FORM

Type or use ball-point pen.

TO: Lt. Lole Nelson
First Step Respondent
FROM: A.D. Mills # K4561
Offender's Name and Number

Area II
Location
32A
Housing Unit

_____ Date of Incident

ACCEPTED. This request comes to you from the Legal Claims Adjudicator. See the attached request from the offender. Please return your response to this office within 10 days of this date.

REJECTED. Your request has been rejected for the following reason(s):

10-30-07

Date

D. D. Mills

Legal Claims Adjudicator

SECOND STEP (Pink Copies)

On 11-14-07 (date), I received a written response to my First Step request. I am not satisfied with this response because The Disciplinary chair-person Lole Nelson denied my request simply because she stated I presented no new evidence which I did, and Sir she did not even address my claims nor said was I afforded my disciplinary Rights & procedures

Therefore, I am commencing the Second Step by sending the pink copy of this form (ARP-1), the pink copy of the First Step response (ARP-2), to the Superintendent. This request must reach the Superintendent's office within 5 days of my receiving the First Step response.

11-19-07

Date

A.D. Mills

Signature

THIRD STEP (Light Yellow Copies)

On 12-11-07 (date), I received a written response to my Second Step request. I am not satisfied with this response because Lawrence Kelly failed to investigate my claims or who-ever that handles these pre-worded responses I presented new evidence "See" Continued
I am commencing the Third Step by sending the light yellow copy of this form and the light yellow copies of my First and Second responses, to the Commissioner. This request must be sent within 5 days of my receiving the Second Step response.

12-17-07

Date

A.D. Mills

Signature

INSTRUCTIONS TO OFFENDER: This original is for you to keep.

OFFENDER'S ORIGINAL

MISSISSIPPI DEPARTMENT OF CORRECTIONS

NUMBER

MSP - 07 - 3185

FIRST STEP RESPONSE FORM

Exhibit E

Type or use ball point pen. You must return your response to the Legal Claims Adjudicator within 10 days of the date the request was initiated.

TO: A. S. Mills # K4561

Offender's Name and Number

32A

Housing Unit

FROM: Lola Nelson

Person to whom 1st Step is Directed

Title/Location

A103B

YOUR request on RY/R 786017 FOR violating
rule 8 is denied, there is no new evidence
to support your claim.

11-8-07

Date

Lola Nelson

Signature

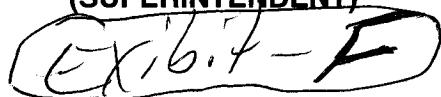
If you are not satisfied with this response, you may go to STEP 2 by filling out the second step section of Form ARP-1 and sending the pink copies of ARP-1 and ARP-2 to the Superintendent. It must be received in the Superintendent's office within 5 days of the date of this response.

INSTRUCTIONS TO RESPONDENT: Send original along with STEP 3 and STEP 2 copies to the Legal Claims Adjudicator. Keep Respondent's copy. **NOTE:** A copy of all documents referenced in the response must be attached and returned to the Legal Claims Adjudicator.

INSTRUCTIONS TO OFFENDER: This original is for you to keep.

OFFENDER'S ORIGINAL

MISSISSIPPI DEPARTMENT OF CORRECTIONS

NUMBER MSP - 07 - 3185**SECOND STEP RESPONSE FORM**
(SUPERINTENDENT)
EX-6-F-F

Type or use ball point pen. You must respond to the offender within 25 days of receipt of the offender's request.

TO: <u>A.D. MILLS #K4561</u>	<u>32-A</u>
Offender's Name and Number	Housing Unit
FROM: <u>LAWRENCE KELLY</u>	<u>MSP</u>
Superintendent	Institution

Your request for Administrative Remedy concerning your appeal of RVR #786017, entitled "Stealing," was received in our office on November 26, 2007, and has been investigated by the Administrative Remedy Program.

Disciplinary staff heard your RVR and you were found guilty of the specific charges against you. Our investigation determined that all due process requirements were met and all applicable policies and procedures were followed. Therefore, since you have presented no new evidence or testimony, which effects the decision of being found guilty by the Disciplinary Department, your request for appeal is denied.


12/5/07

Date


Lawrence Kelly

Superintendent's Signature

If you are not satisfied with this response, you may go to STEP 3 by filling out the third step section of ARP-1 and sending the light yellow copies of ARP-1, ARP-2, AND ARP-3 to the Commissioner, Mississippi Department of Corrections. These forms must reach his office within 5 days of the date of this response. 

INSTRUCTIONS TO SUPERINTENDENT: Send original and STEP 3 copy to the inmate. Keep Superintendent's Copy.

INSTRUCTIONS TO OFFENDER: This original is for you to keep.

OFFENDER'S ORIGINAL

MISSISSIPPI DEPARTMENT OF CORRECTIONS

NUMBER MSP - 07 - 3185THIRD STEP RESPONSE FORM
(COMMISSIONER)*Exhibit G*

You must respond to the OFFENDER within 40 days of receipt of the appeal of the STEP 2 Response.

TO: A. D. Mills #K4561 MSP
Offender's Name and Number Housing Unit

Your request for Administrative Remedy involves a complaint to the effect that you have been improperly determined to be guilty of RVR #786017.

The staff of the Administrative Remedy Program has received and investigated your grievance and the following determination has been made:

You were afforded the opportunity to testify at a Disciplinary Hearing and to call witnesses to testify in your behalf. All due process of law requirements were met and all applicable policies and procedures were followed.

The Disciplinary Officer made a determination of guilty based upon a consideration of all the testimony and documentary evidence.

Therefore, based upon the facts outlined above, your request for further relief is hereby denied.

11/23/08
Date

Christopher B. Eppes
Signature

INSTRUCTIONS TO OFFENDER: This original is for you to keep.

IF YOU ARE NOT SATISFIED WITH THIS RESPONSE, YOU MAY WITHIN THIRTY (30) DAYS AFTER RECEIPT OF THIS DECISION, SEEK JUDICIAL REVIEW.

OFFENDERS ORIGINAL

(Exhibit H)
C E R T I F I C A T E

Re: ARP# MSP-07-3185

CLASS: RVR

Inmate states that RVR #786017 should be expunged from his file. However, he has failed to provide sufficient evidence to support his claim.

This document is to certify that Inmate A. D. Mills
MSP# K4561, has fulfilled the requirements of the administrative
Remedy Program and is eligible to see judicial review within 30 days of
receipt of the Third Step Response.

A copy of the Third Step Response Form must be attached to this
certificate in order to file in either State or Federal Court.

This, the 23rd day of January, 2008.

Tracey L. Sanders
Tracey Sanders, Administrator
Administrative Remedy Program

Inmate's Signature and Inmate Number

Date Received

Exhibit I

PROPERTY RESTRICTION

Offender's Name: A. D Mills MDOC# K4561
 START DATE: 9/22/07 END DATE: 9/25/07
 EXTENDED DATE _____ END DATE: _____

ITEM	AMOUNT	COMMENT
Bath Towels	1	
Face Towels	1	
Work Shirts		
Tee Shirts		
Socks	1 pair	
Under Shorts		
Pants	2	
Sheets	2	
Blankets		
Pillow		
Mattress		
Laundry Bag	1	
Coat		
List Personal Property		
mail	2 bags	
Chess pieces	1 bag	
Ramen noodle	4	
bible	1	
Shower shoe	1 pair	
Books	7	
magazine	4	
legal mail	4 packets	
envelops	5	

When placing an offender on property restriction the above form must be completed and the offender's property placed in a secure area in the building.

Offender's Signature: _____

Date: _____

Officer's Signature: Capt. O'Bannon
Confiscating OfficerDate: 9/22/07

Offender's Signature: _____

Date: _____

Officer's Signature: _____
Issuing Officer

Date: _____

PART I

DATE *9-23-07* TIME *1330*INMATE NAME *A.D. Mills*DOC # *K4561*PRESENT UNIT ASSIGNMENT *32 Alpha B-Zone T-1 Cell #69*TO *32 Charlie A-Zone T-2 Cell #32*REASON FOR APPLICATION *Adm. Seg Pending Disciplinary Action*

FACTS *On Sept 22, 2007, at approximately 2033 hrs offender A.D. Mills #K4561 did reach into officer A.D. Shands pant pocket & stole a pack of Cigarettes & ten dollars. Offender Mills is being placed on Admin Seg pending disciplinary action.*

Anthony R. Potts
Signature of Approving Authority*Commander*
Position

PART II

TO BE READ TO ALL INMATES BY THE INSTITUTIONAL WATCH COMMANDER BEFORE BEING PLACED IN DETENTION

- (1) You have the right to be provided written notice of charges or reason for detention
- (2) You have the right to call witnesses
- (3) You have the right to present written statement(s)
- (4) If the above involves a rule violation report(s), you have the right to be present at these incident(s) investigated by an investigating employee from the Disciplinary Department.
- (5) If a major violation, you have the right to have an attorney or counsel when you have been formally charged. You will meet a Classification Committee within 72 working hours. If you need more time, you have the right to request that time from the Classification Committee Chairperson in writing.

I HAVE RECEIVED A COPY OF THIS NOTICE

X
Inmate Signature

Signature of Authority Witnessing Inmate's Refusal of Service

DATE *9-23-07* TIME *1630*

Position

Check if inmate refused *Adm. Seg Pending*
Signature of Approving Authority

PART III

DATE OF HEARING _____

TIME _____

NAME OF WITNESSES:

AUTHORITY

INMATE

PART IV

FINDINGS OF CLASSIFICATION TEAM (72 HOUR REVIEW)

Signature of Team Chairman

cc: 1st Copy Records
 2nd Copy Inmate
 3rd Copy Area Case Manager Supervisor
 4th Copy Area Case Manager Supervisor / Case Manager
 5th Copy Area Case Manager Supervisor / Unit Administrator
 6th Copy Area Case Manager for Inmate

To: The Circuit Court Clerk of
Sunflower County

Copy

Mrs. Sharon McFadden

P.O. Box 576

Indianola, Ms. 38751

Enclosed is an original, and 3 copies
of Motion To Show Cause, and it's
Attachments of Certificate of Service, and
Affidavit of Poverty for Filing in your
usual manner, and for you to please
return a copy stamped "Filed" of said motion
with cause number: Thank you

Exhibit K

Respectfully Submitted
By:

A. D. Mills #4561
Unit 32-A Bldg
Parchman, Ms. 38738

IN The Circuit Court of
Sunflower County

• • • • •
: A.D. Mills : Petitioner
• • • • •

• • • • •
: M.D.O.C./STATE : Cause # _____
: OF :
: Mississippi : Respondents
• • • • •

NOTICE OF MOTION

Comes now the above named petitioner
in the above style, and numbered cause
as a [pro]se] litigant, and bring on for
hearing this petition for an order to
show cause to be heard at a time, and
place to be set by this Honorable Court:

Respectfully Submitted
By
D. M. B. K 4561
SWIT-32-A-DLG
Parchman, MS. 38738

This 3rd day of December, 07.

In The Circuit Court of
Sunflower County

•••••
: A.D. Mills :
•••••



Petitioner

V.

Cause #

•••••
: M.D.O.C./STATE :
: OF :
: Mississippi :
•••••



Respondents

MOTION TO SHOW CAUSE

Comes now the above named petitioner
for order to show cause, and filed
the said motion to show cause into this
Honorable Court, and would show to wit the follow-
ing:

I

Petitioner is an inmate at (M.D.O.C.) Parchman;
as a result from an "ILLEGAL" conviction in
Madison County Mississippi. Petitioner is not attacking
his "ILLEGAL" conviction, but that of only a
matter it was negated within this M.D.O.C.
institution by state authority(ies):

II

Petitioner on the date of 10-14-07 was found guilty for "Stealing" on that date I had been in administrative Segregation behind the steel doors pending disciplinary action 21 days from open C-custody The Disciplinary Chair-person Took 30 days Canteen as punishment for her finding me guilty of the R.V.R. The Disciplinary chair-person name is Lt. Linda Nelson: A couple days after-ward Case Manager IVY without no-one requesting me to be RECLASSIFIED added up my points by an implemented Point system, and told me my score is 44 points which is C to custody so she Reclassified me from C to D custody I said I had 44 points when you classified, and sent me to open C-custody She stated by you being found guilty of the R.V.R. I'm Reducing your custody. Honorable Court Since the implementation of this point system I have been restricted access to it as other Inmates, and no-one will explain to me how it fully operates, but in this instant situation it turned into a double edge sword that

CUT OFF my rights of the 5th and 14th Amendment of the U.S. Constitution, the right to be protected from Double Jeopardy, and the Right to Due Process: My Right to be protected from Double Jeopardy occurred when Case Manager IVY reclassified me to D-Custody which was a punishment for being found guilty of R.V.R. #86017, and said I'd remain behind the steel door for 6 months when disciplinary took 30 days Canteen as punishment: Case Manager IVY did this in violation of S.O.P. Number 22-01-01 Line 300 through 322 which states: The Following acts of violence and/or disturbance or any other unlawful act will cause an offender to be reclassified to "D" custody status: Murder, Hostage Taking, Sexual Assault, Manufacturing, possessing or smuggling firearms, explosives, and incendiary or poisonous gas devices, escape, Arson, organizing, instigating or causing a riot, Extortion, drug distribution, assaulting others with an instrument capable of causing bodily harm, Having been found guilty of repeated Rule Violation Report (RVR) infractions involving violence or threats of violence, Disrupting the orderly running of the institution (i.e., Multiple refusals to work), Having been identified as a member of a Security Threat Group, a constant threat to the physical safety of other offenders or staff, participation in any gang-related assault, Failure to comply with the Agency's grooming policy, exhibiting behavior and/or actions which constitute a threat to the integrity of an investigation:

My Due Process Rights were violated when
I was^{n't} even notified 48 hours prior
to the hearing it was sprung on me, and
I was not fully prepared, and when I attended
the hearing I was handed a classification sheet
to sign. Case Manager Ivy violated S.O.P. Number
22-01-01. Line 124 through 128 states: Request
for reclassification of offenders will be initiated
through assigned Case Manager. Written policy, procedure,
and practice require that unless precluded for security
or other substantial reasons, all inmates appear at
their classification hearing and are given notice 48
hours prior to the hearing; such notice may
be waived by the inmate in writing [4-4302]
under S.O.P. Number 22-01-01. Due Process
"Must" be ensured as it states: when an offender
is reduced from a less restrictive custody to a
more restrictive custody, "C" or "D" custody, "due process"
must be ensured. Your Honorable Court I discussed
this deviation of policy, and procedures with the
Case Manager ("Ivy") Warden Morris, and Deputy
Commissioner E.L. Sparkman in which the latter
two named acknowledged, and were well versed in policy,
and said it was^{n't} supposed to happen, but when I asked
them to correct it neither acted upon my request which
bided the injustice when they retain the power to
correct it. Under S.O.P. Number 01-01-01

Compliance and Accountability at line 39 through 41
States: All personnel will be held accountable
for their Compliance with All M.D.O.C. policies,
procedures and forms. Any deviation from
policies, procedures, and forms will be cause
for disciplinary action to include, but not be
limited to, termination. Petitioner prays that
this Honorable Court will grant this petition,
and enter an order requiring Respondents whom
are Case Manager Ivy, Deputy Commissioner E.L. Spark-
man, and Warden Morris by, and through their Counsel
whom retains knowledge of the above named Respondents
location to show cause, and see this matter
for an evidentiary alternative. Petitioner prays
this Court enter an order granting respondents
a set time to return petitioner back to a
lesser restrictive custody (open-c), and reprimand
the respondents as this Court deems necessary for
failure to comply with procedures, and policies or
any other relief this Honorable Court deems to
be just, and proper under the facts, and circumstances
of this cause:

Respectfully Submitted
By
D. yib Pro Se Litigant

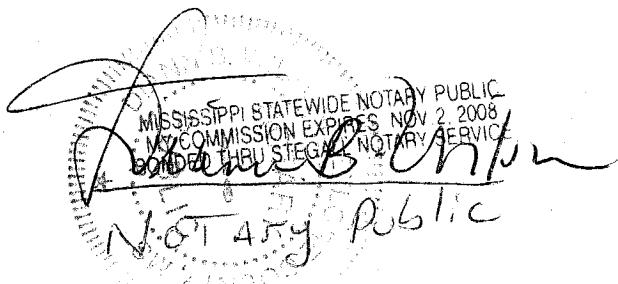
AFFidavit oF Poverty

I A.D. Mills declare under penalty of perjury my oath that because of my poverty I'm unable to pay any cost this Court could impose for said motion to Show Cause, and that by same oath declare that every-thing contained in and through-out motion is True, and correct in Good Faith I pray is well taken:

Respectfully
D. Mills #4561

The above personally appeared before me sworn to and subscribed before me

This 3rd day of December, 2007



Certificate of Service

This is to certify that I have
Caused this day to be mailed, via U.S.
Mail Postage Pre-paid because of my poverty
through Inmate legal assistance program a true,
and correct copy(e)s to the below following:

Mrs. Sharon McFadden
Sunflower County Circuit
Court Clerk
P.O. Box 576
Indianola, Ms. 38751

J. M. Morris
Counsel For Respondents
Parchman, Ms. 38738

Nombi Cambright
ACLU of Mississippi
P.O. Box 2242
Jackson, Ms. 39225

Respectfully:

A. D. Mills K4561
Unit-32-A-Bldg
Parchman, Ms. 38738

Exhibit L

IN THE CIRCUIT COURT OF SUNFLOWER COUNTY, MISSISSIPPI

A.D. MILLS

PETITIONER

VS.

CAUSE NO. 2007-0136-M

M.D.O.C., ET AL

RESPONDENTS

ORDER DISMISSING PETITION FOR AN ORDER TO SHOW CAUSE

COMES NOW, before this Court, this Petition for an Order to Show Cause, and this Court having reviewed this matter and being fully advised in the premises does hereby FIND, ORDER AND ADJUDGE as follows:

A. FACT IDENTIFICATION:

1. Petitioner was issued a Rule Violation Report and has alleged that the Respondents did not comply with policy at the issuance and hearing of the RVR.
2. Petitioner has filed this petition seeking to have the RVR removed from his record and his classification restored.

B. LAW DECLARATION AND APPLICATION:

3. This Court has stated many times that it lacks jurisdiction to act as an appellate court for the appeal of an RVR absent any Constitutional violation. See Carson v. Hargett, 689 So.2d 753, 755 (Miss. 1996).

4. Having reviewed this matter, this Court finds no due process violations, nor any reason why this Court should further review the actions of the Disciplinary Committee.

5. Further, prisoners have no constitutionally protected liberty or property interest per se in their classification assignments under the Due Process Clause. Carson v. Hargett, 689

So.2d 753, 755 (Miss. 1996). Classification assignment is an administrative task with which a court should not interfere unless there is evidence that discrimination or arbitrariness occurred in the process. Id.

D. CONCLUSION:

IT IS, THEREFORE, ORDERED AND ADJUDGED AS FOLLOWS:

A. This Court finds no Constitutional violations in the RVR issued to Petitioner; as such, this Court has no authority to grant the relief requested.

B. This Court finds no reason to further review the action of the Respondents in this matter.

C. Therefore, this Court hereby denies the relief requested and hereby dismisses this cause with prejudice.

SO ORDERED, this the 2nd day of January, ²⁰⁰⁸ 2007.



Richard A. Smith
Circuit Court Judge

FILED

JAN 03 2008

SHARON MCFADDEN
CIRCUIT CLERK
By  D.C.

UNB K15
UPG 518-519